

CITY OF
FREMONT
NEBRASKA PATHFINDERS

BOARD OF EQUALIZATION MEETING MINUTES
CITY COUNCIL CHAMBERS 400 EAST MILITARY, FREMONT NEBRASKA
February 12, 2019 at 7:00 P.M.

1. Meeting called to order. After the Pledge of Allegiance, the Mayor called the meeting of the Board of Equalization to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.
2. Roll call. Roll call showed Council Members McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Kuhns and Legband present. 8 Members present.
3. Hold public hearing and consider complete cost and schedule of Assessments for Business Improvement District #1. Mayor Getzschman opened the public hearing. The public hearing was closed after receiving comments from the public. Council Member Legband moved, seconded by Council Member McClain to approve the group of single family residential properties excluding property 270003486. Ayes: McClain, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Abstention: Ellis. Motion carried. Council Member McClain moved, seconded by Council Member Legband to approve the group of mixed use properties excluding property 270002422 and 270003367 and providing a 50/50 exemption to property 270003094. Ayes: McClain, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Abstention: Ellis. Motion carried. Council Member Jacobus moved, seconded by Council Member Yerger to approve the exemption for property 270002926 and deny the request for property 270004725. Ayes: McClain, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Abstention: Ellis. Motion carried. Council Member Yerger moved, seconded by Council Member Legband to approve the non-request group as commercial. Ayes: McClain, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Abstention: Ellis. Motion carried.
4. Adjournment. Moved by Council Member Legband seconded by Council Member Kuhns to adjourn the meeting. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband, Kuhns. Motion carried. Meeting adjourned at 7:36 p.m.

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS 400 EAST MILITARY, FREMONT NEBRASKA
February 12, 2019 at 7:00 P.M.

REGULAR MEETING:

1. Meeting called to order. The Mayor called the meeting of the City Council to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.
2. Roll call. Roll call showed Council Members McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Kuhns and Legband present. 8 Council Members present.
3. Mayor comments
(There will be no discussion from the Council or the public regarding comments made by the Mayor.
Should anyone have questions regarding the comments, please contact the Mayor after the meeting)

PUBLIC HEARINGS:

4. Resolution 2019-024 for Class I Liquor License Application of .402 Sports and Entertainment, LLC., 750 S. Broad Street. Mayor Getzschman opened the public hearing. The public hearing was closed after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Jacobus to approve Resolution 2019-024. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Abstention: Bechtel. Motion carried.
5. Resolution 2019-026 authorizing the issuance of a conditional use permit for property at the NE corner of 8th St. and N. Logan St. (Midland University Men's Residence Hall). Mayor Getzschman opened the public hearing. The public hearing was closed after receiving comments from the public. Council Member Legband moved, seconded by Council Member Jensen to approve Resolution 2019-026. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband, Bechtel. Motion carried.

CONSENT AGENDA:

Moved by Council Member Jensen seconded by Council Member Kuhns to approve 6 through 9, 11, and 14 through 15 of the consent agenda. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

6. Motion to approve January 30, 2019 through February 12, 2019 claims and authorize checks to be drawn on the proper accounts.
7. Receive report of the Treasury
8. Dispense with and approve January 29, 2019 City Council Meeting Minutes and February 4, 2019 Special City Council Meeting Minutes.
9. Motion to authorize Mayor to sign Deed of Reconveyance, Peterson, 624 W. Washington St.
11. Motion to authorize the Mayor to sign renewal agreement for Mango Languages and Little Pim databases
14. Resolution 2019-028 authorizing City Staff to execute a contract with Midlands Contracting for the lining of sanitary sewer on Military Street
15. Motion to authorize change order for DataBank upgrade

ITEMS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:

10. Motion to approve Park Event requests for Dodge County Humane Society 5K, Keep Fremont Beautiful Cleanup Events and Nebraska Traditional Archers tournaments. Council Member McClain moved, seconded by council Member Kuhns to approve the requests as submitted. Ayes: McClain, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband, Ellis. Motion carried.
12. Motion to authorize Mayor to sign interlocal agreement with Fremont Public Schools for use of City facility(s) in times of emergencies. Council Member Yerger moved, seconded by Council Member Jacobus to approve the interlocal agreement with Fremont Public Schools for the use of facilities in emergencies. Ayes: McClain, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband, Ellis. Motion carried.
13. Motion to approve amendment to School Resource Officer Interlocal Agreement. Council Member Yerger moved, seconded by council Member Jensen to approve the amendment for the resource officer interlocal agreement. Ayes: McClain, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband, Ellis. Motion carried.

UNFINISHED BUSINESS: requires individual associated action

Council Member Jacobus raised a point of information and made a motion, seconded by Council Member Yerger to remove item #26 for consideration at the next meeting. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Nay: Kuhns. Motion carried.

16. Ordinance 5490 Amendments regarding expansion of uses on non-standard lots, an amendment to Chapter 11 of the Fremont Municipal Code pertaining to zoning, subdivision and site development regulations (second reading). Council Member Jensen moved, seconded by Council Member Legband to approve second reading of Ordinance 5490. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Nays: Yerger. Motion carried. City Clerk provided second reading of the Ordinance.
17. Ordinance 5488 request for Voluntary Annexation of property by Bruce Coffey on behalf of Costco Wholesale / PCCW, Inc., owners of a tract of land being a part of Lot 1, East Inglewood Subdivision (final reading). Council Member Kuhns moved, seconded by Council Member McClain to hold final reading of the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Ordinance 5388 is approved.
18. Ordinance 5489 request for Voluntary Annexation of property by Bruce Coffey on behalf of Costco Wholesale / PCCW, Inc., owners of a tract of land Southwest of the intersection of Cloverly Rd and Downing Street (final reading). Council Member Jacobus moved, seconded by Council Member Legband to approve final reading of the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Ordinance 5389 is approved.
19. Ordinance 5484 Unified Development Code amendment to updated definition of required yards to clarify requirements for landscaping (final reading). Council Member Legband moved, seconded by Council Member Jensen to receive into the record a document titled "Yard layout site plans and photo examples". Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Legband moved, seconded by Council Member Kuhns to hold final reading of the Ordinance. Ayes: McClain, Kuhns, Bechtel, Jensen, Legband. Nays: Ellis, Yerger, Jacobus. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Kuhns, Bechtel, Jensen, Legband. Nays: Ellis, Yerger, Jacobus. Ordinance 5484 is approved. Council Member Bechtel moved, seconded by Council Member McClain to reconsider Ordinance 5484. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member Legband to amend Ordinance 5484 to strike the language that states serving an accessory structure on Exhibit A under Side Yard, place a period at the end of side yard and strike out "that serves and accessory structure." Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member McClain moved, seconded by Council Member Kuhns to hold final reading as amended. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Nay: Yerger. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Nay: Yerger. Ordinance 5484 is approved.
29. Resolution 2019-027 to accept the proposal of EMS Billing Services, Inc. for Fire and EMS billings. Without objection, the Mayor moved item #29 to the position after item #19 on the agenda. Council Member Kuhns moved, seconded by Council Member Jensen to approve Resolution 2019-027. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
20. Ordinance 5492 vacating Cloverly Road from the new alignment of Cloverly Road to the new alignment of Downing Street (final reading). Council Member Legband moved, seconded by Council Member Jensen to approve final reading of the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband.

Ordinance 5492 is approved.

21. Ordinance 5491 request for approval of 3rd amendment to the Gallery 23 PD Planned Development to change the height for commercial zoning from 45' to 60' by Brad Marshall on behalf of Jeremy Guenther, owner of land generally located at the North of County Road U and South of Lincoln Highway, just west of Farmfield Road (final reading). Council Member Yerger moved, seconded by Council Member Jensen to amend Ordinance 5491 to include a conditional statement that the requirements for passage are that they have to provide the square footage of the building and the floor area requirements information. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member McClain to approve final reading of the Ordinance as amended. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Ordinance 5491 is approved.
22. Ordinance 5493 amending sections of Chapter 2 of the Municipal Code to adopt public comment period (second reading). Council Member Yerger moved, seconded by Council Member Kuhns to hold second reading of the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided second reading.
23. Ordinance 5482 authorizing sale of an undivided one-half interest in Outlot A to Dodge County. Council Member Yerger moved, seconded by Council Member Jacobus to postpone consideration of Ordinance 5482 to the last meeting in March and to put a hold on the property sale and the transfer paperwork until such time as the City Attorney completes an investigation and presents a written report to City Council on any potential conflict of interest issues and any potential open meetings violations related to the tech park property's acquisition, transfers, and development; and any change of use obligation to the City associated with grant funding; as well as the sale of the undivided one-half interest in Outlot A. Ayes: Ellis, Bechtel, Yerger, Jensen, Jacobus. Nay: McClain, Kuhns, Legband. Motion carried.
24. Council Member Yerger item - Receive an investigatory status report for Resolution 2019-019 from the City Attorney, and/or receive and discuss documents and the final written legal report regarding the investigation into any potential Open Meetings violations relating to City Resolutions and Ordinances, which were continued at the January 8, 2019 City Council Meeting. Council Member Jacobus moved, seconded by Council Member Yerger to receive the report. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
25. Council Member Yerger item - Receive an investigatory status report for Resolution 2019-020 from the City Attorney, and/or receive and discuss documents (provided by City Clerk) and the final written legal report regarding the requested information pertaining to Mayoral and Council Committees and their public notices/minutes/recommendations made regarding various City Resolutions and Ordinances which were continued at the January 8, 2019 City Council Meeting. No action was taken.
26. Resolution 2019-007 clarifying legal description referenced in purchase agreements for the sale and conveyance of real estate owned by the City of Fremont to the Dodge County Humane Society. The mayor stated that the item was continued.

NEW BUSINESS: requires individual associated action

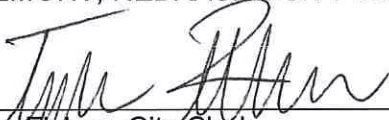
27. Resolution 2019-023 authorizing levying of assessments for Business Improvement District #1. Council Member Jacobus moved, seconded by Council Member Legband to approve Resolution 2019-023 based on Exhibit A resulting in a .001784 on the levy spreadsheet. Ayes: McClain, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Abstention: Ellis. Motion carried.
28. Resolution 2019-025 approving an Interlocal Cooperation Act Agreement with the Lower Platte North NRD for a Hazard Mitigation Plan/Flood Risk Analysis. Council Member Legband moved, seconded by Council Member Kuhns to approve Resolution 2019-025. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger,

Jensen, Jacobus, Legband. Motion carried.

30. Resolution 2019-029 requiring City Attorney provide a written supplemental investigatory opinion that focuses on State Statute and/or City Code violations, findings- as depicted in prior report received by City Council January 29, 2019 - as well as the accountability, liability and action plans required as a result of the factual investigation and legal analysis of unpaid earnest money/escrow and other expenses and fees resulting from purchase agreement signed by RTG Medical Inc. and City Fremont, received by City Council on January 29, 2019. Council Member Yerger moved, seconded by Council Member Jacobus to approve Resolution 2019-029 to complete the supplemental response to the nine questions that have been asked. Ayes: Ellis, Yerger, Jacobus. Nay: McClain, Kuhns, Bechtel, Jensen, Legband. Motion failed.
31. Council Member Jacobus item – Discussion of Internal City Policy addressing Resolution 2019-021 passed January 29, 2019 that required City Staff to provide or give access to individual Council Members, or the collective body, access to documentation, information, data, financials that was effective upon adoption of the Resolution. Council Member Jensen moved, seconded by Council Member Yerger to receive document with the subject "Internal Staff Policy for Responding to Document Requests pursuant to Resolution No. 2019-021". Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
32. Adjournment. Moved by Council Member Yerger seconded by Council Member Jacobus to adjourn the meeting. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband, Kuhns. Motion carried. Meeting adjourned at 11:58 p.m.

I, Tyler Ficken, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that this meeting was preceded by publicized notice in the Fremont Tribune and the agenda, including notice of study session, were displayed in the Municipal Building and distributed to the Mayor and Council on February 8, 2019 and is open to the public; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

APPROVED AND ACCEPTED THIS 26TH DAY OF FEBRUARY AS THE OFFICIAL COPY OF THE
FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR FEBRUARY 12, 2019.


Tyler Ficken, City Clerk


Scott Getzschman, Mayor